

# 2003 ANNUAL REPORT OF THE DELAWARE JUDICIARY



Administrative  
Office of the  
Courts

# 2003 Annual Report of the Delaware Judiciary

Published by the Administrative Office of the Courts, February 2004.  
All rights reserved.

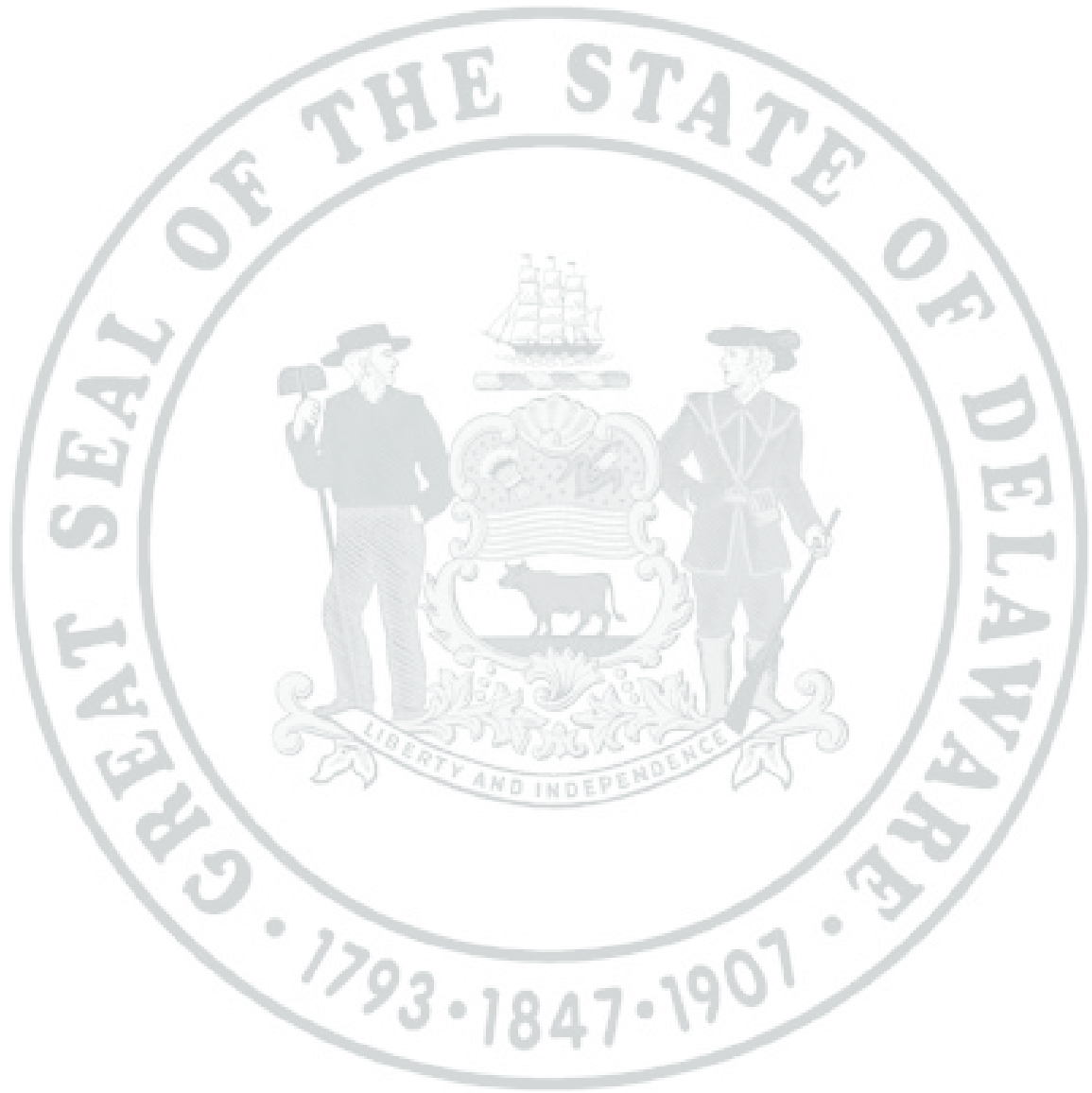
Annual caseload statistics for the Delaware State Courts are published under separate cover in the “2003 Statistical Report of the Delaware Judiciary.” Copies of this publication can be obtained by contacting the Administrative Office of the Courts or online at <http://courts.state.de.us>



## ***CONTENTS***

Message from the Chief Justice	1
Court Developments	2
Legislative Update	8
Statistical Overview	10

Administrative Office of the Courts  
500 North King Street, Suite 11600  
Wilmington, Delaware 19801  
<http://courts.state.de.us>  
(302) 255-0090



## Message from Chief Justice E. Norman Veasey

To Governor Ruth Ann Minner, Members of the General Assembly, and Citizens of the State of Delaware:



It is my privilege to present to you the 2003 Annual Report of the Delaware Judiciary. This will be my twelfth and final submission of the Annual Report as Chief Justice.

I want to take this opportunity to commend the Delaware Judiciary. Our State is truly fortunate to have the services and expertise of extraordinary and dedicated judges and staff. The preeminence of our courts and Bar is nationally acknowledged, and we continue to build on our reputation on a daily basis by being innovative and progressive. In fact, for the second year in a row, a Harris poll survey of corporate counsel conducted by the United States Chamber of Commerce ranked the Delaware Judiciary as the Number One Judiciary in the Nation in the key areas of the competent handling of civil litigation.

The Justice of the Peace Court has: (1) instituted a statewide videophone court at Court 2 in Rehoboth; and (2) accepted the Program of the Year Award from the International Association for Truancy and Dropout Prevention. In the 2002-2003 school year, more than 400 students in Delaware successfully completed the program, staying in school. The Court of Common Pleas is expanding its Drug Court program to Kent and Sussex Counties. The Family Court has adopted new guidelines for the expeditious disposition of dependency and neglect cases. The Family Court continues to be a national model for child support formulas. The Court of Chancery and the Superior Court are expanding the courts' e-filing systems. The Court of Chancery's jurisdiction has been expanded to adjudicate technology disputes exceeding one million dollars and is undertaking a new and creative mediation-only process. The Supreme Court is working with the courts and our Judicial Information Center to produce a unified world-class web site for the dissemination of information to the public and the Bar.

The entire Judiciary is moving forward with the development of our commercial-off-the-shelf case and financial management system (COTS). The Judiciary is not content to rest on its laurels but rather is a dynamic force in delivering services to our clientele – the citizens of Delaware.

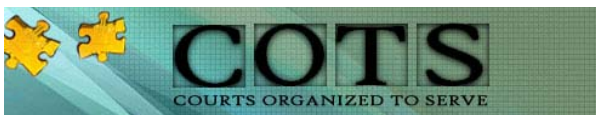
During my term as Chief Justice, I have seen the number of judicial officers increase, new court-houses built or renovated, the expansion of our technological capabilities, the promise of COTS, and many other improvements. The Judiciary has prospered during economic boom times and weathered economic downturns. It has been a challenging and rewarding journey for me personally to work as a public servant and with other public servants. The work that we are doing is important and vital to the welfare of the citizens that we serve. We are very gratified that our work has achieved swift and fair justice as the standard and that we have done our utmost to earn the trust and confidence of the public.

Respectfully,



## COURT DEVELOPMENTS

---



In fiscal year 2003, the Judiciary continued to make progress toward the goal of acquiring a comprehensive, statewide, integrated case management system for the Delaware Courts (COTS). In spite of fiscal constraints that kept the COTS project from going forward at full speed, there were several significant project accomplishments during the year.

Pursuant to Chief Justice Veasey's Administrative Directive 142, several COTS committees were established: 1) the Executive Steering Committee, charged with guiding and directing the project; 2) a statewide Operational Policy Committee to deal with policy issues brought to it by the Executive Steering Committee; 3) the Project Management Team, which will have the lead role in day-to-day project management; 4) the Working Committee, charged with the development of uniform practices and procedures for the Courts; and 5) a Change Management Team.

Grant funds in the amount of \$360,000 allowed for limited continued work on the project and negotiations with the selected vendor, ACS, began for the first phase of COTS – the Proof of Concept. The Proof of Concept was designed to make certain that the primary interface with DELJIS and the ACS system works as anticipated. The Project Management Team began to focus its work on the Proof of Concept and the Executive Steering Committee began regular meetings to track project progress, while the Working Committee continued efforts toward the development of uniform practices and procedures.

Funding was pursued on several fronts and the project's efforts were rewarded when the Judiciary received \$2.5 million in the FY 2004 Bond Bill to provide first year funding for COTS. Contingent on a successful Proof of Concept, this allocation will allow the courts to make significant progress in the coming fiscal year.

Working together with its justice partners, the Judiciary is looking forward to soon being able to provide its staff, other agencies, and the citizens of the Delaware with a world-class case management system.

## eFiling

During fiscal year 2003, the Superior Court worked to expand its electronic filing services. The Court upgraded from the Complex Litigation Automated Docket (CLAD) system utilized since 1991 to the LexisNexis™ File & Serve® eFiling system. The new system will improve court operations and lower litigation costs while improving the security of court documents and enabling access to case file documents online immediately, anytime, anywhere. Eventually, the system will apply to all civil filings in the Superior Court.

## WORLD CLASS SERVICE

For the second year, the Harris Poll State Liability Systems Ranking Study, conducted for the U.S. Chamber Institute for Legal Reform, recognized the Delaware Superior Court for "having a litigation environment perceived to be fair and reasonable in its handling of civil cases." The study on corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment with their state court liability system focused on overall treatment of tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, judges' impartiality, judges' competence, juries' predictability and juries' fairness. The study's respondents, 928 corporate general counsels and senior attorneys at a number of large corporations, graded all 50 states in each of the categories; Delaware was ranked number one overall.

The Family Court implemented new performance measures during fiscal year 2003. These standards will enable the Court to assess

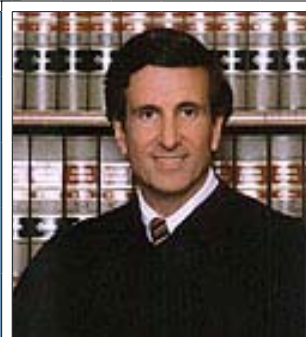
how well they are serving litigants and facilitate goal setting for the future to improve the quality of services and delivery of justice within the Family Court.

The Court of Common Pleas has made a large amount of material available for pro se litigants in the Self-Help Center located in the New Castle County Courthouse. In addition, the Court of Common Pleas clerk's office provides a number of public access computers for electronic access to court case information. Moving forward, the Court of Common Pleas continues to improve its performance and its dedication to providing a just resolution to all cases.

The Justice of the Peace Court conducted public surveys on the services it provides. Results of these surveys were used to develop programs implementing policies and procedures to best meet the needs of the litigants and the public. In addition, customer service training was provided to all non-judicial staff. Surveys will be conducted again for comparison purposes.

### Improving the Administration of Justice

In June, 2003, The Honorable Randy J. Holland, Justice of the Delaware Supreme Court, was recognized for his outstanding efforts and contributions to the Delaware State Court System. Justice Holland received the *Herbert Harley Award*, the American Judicature Society's premier award for outstanding service aimed at improving the administration of justice at the local level.





### **New Castle County Courthouse Self-Help Center**

The Administrative Office of the Courts has opened a Self-Help Center in New Castle County to increase access to justice for self-represented litigants. Modeled after Family Court's Resource Centers, the Self-Help Center is Delaware's first Center to serve litigants of *all* of Delaware's State Courts and is located on the second floor of the New Castle County Courthouse. The Self-Help Center provides litigants with a central location where they can find resources to help guide them through the legal process and to deal with the emotional challenges resulting from their legal circumstances. At the Self-Help Center, litigants have access to resources such as: an information desk, court forms, instructions, educational materials, legal self-help books, books addressing the emotional aspects of people's cases, a data bank of attorneys who are willing to represent a litigant on a specific area of family law, notary services for court forms, computers with Microsoft Word and Internet access, a high speed printer, a photocopy machine, a television and VCR for free viewing of court-related videos, a fax machine and other equipment to enable litigants to prepare for their cases at one location. Instructional materials range from Instruction and Forms Packets and other court-related materials to instructions on how to address an envelope.

In addition to the resources available, litigants can file their Family Court documents at the Center and have staff review the documents for completeness. There is even a kid's corner where children will find toys and books (in English and Spanish) to keep children occupied while their parents avail themselves of the resources at the Center.

In October 2003, the Administrative Office of the Courts hired a Manager of *Pro Se* Services to enhance the services and resources available at the Self-Help Center, to enhance partnerships throughout the Delaware community and to bring the Self-Help Center statewide to effectuate world class service and access to justice.

## Centralization of Administrative Services

The move of four courts into a single facility, the New Castle County Courthouse, underscored the need to consolidate resources and offer to the courts the opportunity to centralize services related to those administrative functions that are necessary to the daily operations of each court. Even before the move to the New Castle County Courthouse it was known that some functions would need to be centralized immediately: mail handling, public information desk, security procedures, and notice of facility-wide activities such as evacuation plans and building closings. On the other hand, some other administrative functions did not lend themselves to immediate centralization for reasons such as lack of resources and the need for development of uniform policy and procedure statements.

When the courthouse first opened mail handling, loading dock management, shipping and receiving were immediately centralized under the auspices of the Administrative Office of the Courts. Also added to the responsibility of the Administrative Office of the Courts was the establishment of a public information unit to direct visitors, staff and incoming phone calls. Although the Filing and Payment Center was set up with centralization in mind, the limitations of the financial and case management systems used by the courts have prevented the Center from becoming a fully functioning centralized entity. Fortunately, the upcoming development and implementation of COTS will enable the Center to expand services and better serve all courts.

Central services will one day include a branch-wide bail program that will incorporate the authorization and management of bail providers as well as the maintenance and management of a financial bail account. Records retention, archiving, document imaging, restitution management, volunteer/intern programs, coordination of transcripts, interpreters and process service, public relations and public education are all areas in which centralized services might someday be achieved.





### Electronic Courtrooms

With the completion of the new Sussex County Court of Chancery Courthouse comes the Delaware Judiciary's newest electronic courtroom. Working with the Court of Chancery, the Judicial Information Center designed and implemented an electronic evidence presentation system for the new courthouse. The system includes a state-of-the-art sound system as well as high tech electronics to allow evidence to be displayed on dual wall mounted plasma displays. Evidence presented at the high tech podium is displayed on evidence monitors on the judge's bench, the attorney tables and on the plasma screens. The system also includes a built-in video teleconferencing system that allows remote testimony to be displayed on the monitors within the courtroom during trials

### Customer Service in the New Millennium

The New Castle County Courthouse opened its doors in September 2002. This new state of the art facility utilizes staff and technology to create a customer service oriented environment. The new courthouse was designed specifically to facilitate public access and was featured in the May/June 2003 issue of the *Courtroom Information Project* newsletter. The newsletter is published by the Courtroom 21 Project, a joint project with the William & Mary Law School and the National Center for State Courts, which seeks to determine how technology can best improve all the components of the legal system. Delaware was recognized for the successful creation and utilization of a centralized calendaring system and the availability of public information staff with access to court hearing information at the New Castle County Courthouse. The implementation of these services has proved invaluable and has enabled the courthouse to operate in a smooth and efficient manner. Response from the public, litigants, members of the Bar, witnesses and law enforcement officers has been overwhelmingly positive. Moving forward, the Delaware Judiciary is in the process of implementing similar services throughout the State.



## Court Facilities

Construction of the new Sussex County Court of Chancery Courthouse on The Circle in Georgetown was completed in fiscal year 2003. The support staff and chambers are now consolidated in one building which facilitates improved access for the public and the Bar.

Superior Court and the Court of Common Pleas building projects in Kent and Sussex Counties also progressed in fiscal year 2003. The purchase of the O'Brien Building in Kent County is finalized, and renovations will begin in fiscal year 2004. In Sussex County, the long-delayed courthouse construction project made considerable headway, and the courts are on target to move their clerical staff into their new office space in fiscal year 2004.

The Justice of Peace Court received the funding to relocate Court 1 from its rental facility in Millsboro to the town of Frankford. In addition, the Court continues its efforts in constructing a new facility in Houston to allow for the merger of Courts 5 (Milford) and 6 (Harrington), and extend hours of operation at that site. This project is expected to be completed in fiscal year 2004.

### **Delaware Judicial Officer Appointments**

- \* President Judge Henry duPont Ridgely was reappointed as President Judge of the Superior Court October 10, 2002.
- \* The Honorable Carl T. Goldstein retired from the Superior Court on January 28, 2003.
- \* The Honorable Vincent J. Poppiti retired from the Family Court on January 31, 2003.
- \* The Honorable Calvin L. Scott Jr. was appointed as Associate Judge of the Superior Court on February 19, 2003.
- \* The Honorable Joseph T. Walsh retired from the Supreme Court on April 30, 2003.
- \* The Honorable Jack B. Jacobs was appointed as Justice of the Supreme Court on June 4, 2003.
- \* The Honorable Chandlee Johnson Kuhn was appointed as Chief Judge of the Family Court on June 4, 2003.

## LEGISLATIVE UPDATE

---

SB 28—Amends Title 11 of the Delaware Code relating to bail conditions of DUI offenders prohibiting anyone charged with Felony DUI from driving a vehicle.

SB 58—Enables Delaware businesses to voluntarily submit disputes involving various kinds of commercial technology (e.g., computer, biological, and engineering technology) for resolution by the Court of Chancery.

HB 2—Rewrites the Mobile Home Lots and Leases Act of 1986 and was crafted from the consensus of representatives from the Delaware Manufactured Home Owners Association. It governs the rental of lots upon which manufactured homes are placed by their owners in manufactured home communities and specifies the rights and duties of community owners and home owners.

HB 43—Establishes failure to wear a seat belt as a primary offense. This enables Delaware law enforcement officers to lawfully stop motor vehicles based upon the non-use of a seat belt by any occupant of the passenger compartment of a motor vehicle.

HB 66—Eliminates the statute of limitations on sexual offenses and provides that such prosecutions may be commenced at any time. Although this act does not subject those for whom the old statute of limitations has passed to additional criminal liability, it is intended to ensure that in the future sexual offenses may be prosecuted regardless of when the crime was discovered or reported.

HB 287—Reaffirms the intent of the General Assembly that the sentencing judge in a capital murder case shall be ultimately responsible for determining the penalty to be imposed.

HR 17—Extends the due date for the Bail Bond Task Force to report their findings to the House of Representatives.

HR 25—Establishes a Mediation Technology Task Force to examine ways to creatively apply new technologies to those disputes mediated in the Court of Chancery.

HR 28—Commemorates Justice Joseph T. Walsh for his outstanding services as a member of the Delaware Judiciary.

HR 41—Establishes a task force to investigate ways to implement the recommendations, with regards to Alderman Courts, contained in the final report of the Commission on Delaware Courts 2000.

During the 2003 fiscal year a number of sentencing reform initiatives, including the following, were passed into law and implemented. These initiatives address issues pertaining to violations of probation, certain drug offenses, traffic offenses and violent offenses committed by juveniles.

### **Court Case Consolidation (Senate Bill 50/150)**

Under this legislation, the Superior Court is authorized to consolidate multiple pending cases for a given defendant into one proceeding regardless of the court or county in which the sentences were originally imposed. This practice is intended to simplify sentences while conserving scarce judicial resources.

Other than when it is necessary to ensure public safety or effective substance abuse treatment, probation sentences will be limited to a maximum of two years and will be based on the seriousness of the offense. Violations of probation are now the largest single source of admission to Delaware's prison system and account for approximately one-third of all inmates. By allowing the courts to consolidate violation of probation cases and limiting the length of probation, this legislation may help avoid the cost associated with extended probationary periods.

Finally, the new provisions are also intended to benefit victims of crimes by strengthening the State's ability to collect restitution from offenders through the utilization of probation. Victims will also be given new tools which will permit them to use civil remedies to seek restitution.

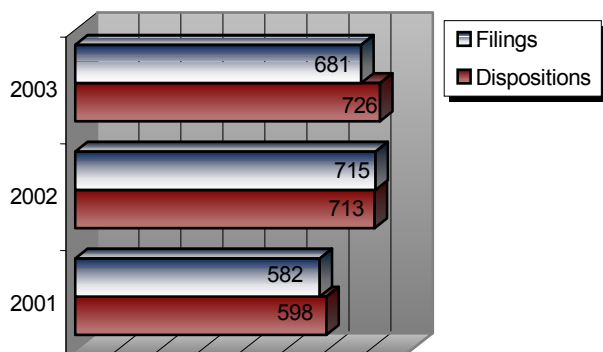
### **Sentencing Reform (House Bill 210)**

Under the provisions of this legislation, the minimum weight of cocaine necessary to establish the crime of "Trafficking in Cocaine" is increased from 5 grams to 10 grams. In addition, this legislation changes sentencing guidelines regarding terms of incarceration for weapons offenses and burglary offenses. Changes in incarceration and supervision terms for certain offenses under Title 21 resulting in death, injury or non-injury are also addressed.

According to legislative sponsors, this legislation is intended to combat the rise in the number of armed robberies and violent assaults committed by juveniles by transferring original jurisdiction over the crimes of Robbery First Degree and Assault First Degree from the Family Court to the Superior Court. By doing so, the legislation provides the Superior Court with discretion to either retain jurisdiction over such cases, thereby substantially increasing the range of available penalties, or to transfer the case back to the Family Court for prosecution.

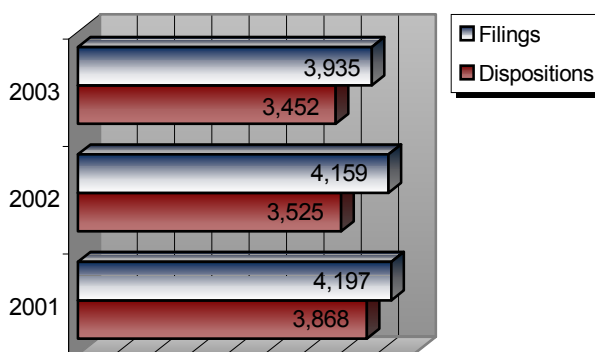
## COURT STATISTICS BY FISCAL YEAR (JULY 1, 2002 - JUNE 30, 2003)

### Supreme Court



- The Supreme Court of Delaware saw a 4.75% decrease in case filings in FY 2003 from the previous fiscal year.
- The Supreme Court disposed of 1.8% more cases in FY 2003 than in FY 2002.
- The difference between filings and dispositions resulted in a pending caseload decrease of 13.1%, from 344 at the end of FY 2002 to 299 at the end of FY 2003.

### Court of Chancery

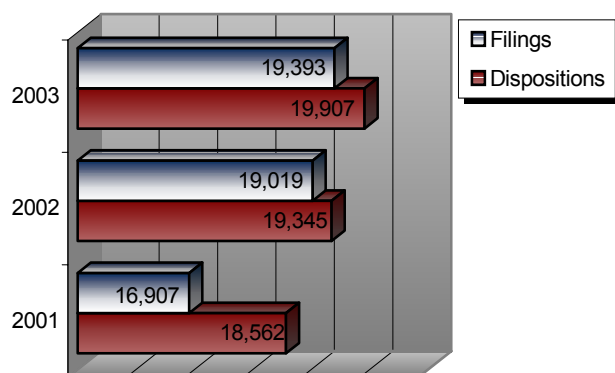


- Court of Chancery FY 2003 case filings decreased about 5% from cases filed in FY 2002.
- Cases disposed of by the Court in FY 2003 decreased 2% from the previous fiscal year.
- The difference between filings and dispositions resulted in a 3.5% increase in pending caseload, from 13,743 at the end of FY 2002 to 14,364 at the end of FY 2003.

### FY 2003 CASE FILINGS BY COUNTY

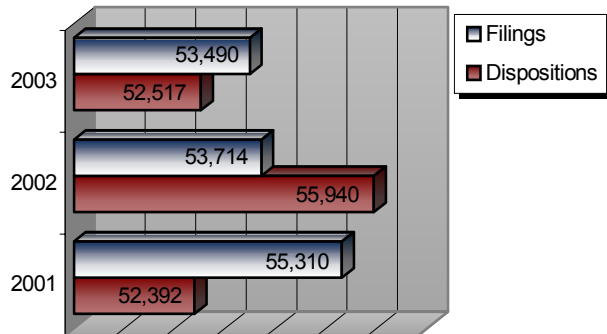
Court	New Castle	Kent	Sussex
Court of Chancery	2,617	543	775
Superior Court	13,080	3,247	3,066
Family Court	31,160	10,105	12,225
CCP	48,353	20,656	25,974
JP Court	68,169	26,949	40,410
Totals:	163,379	61,500	82,450

### Superior Court



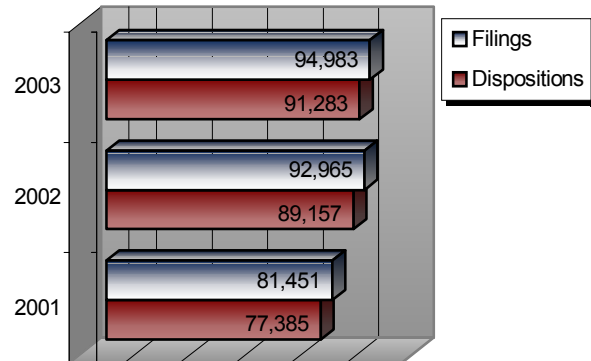
- Total case filings in FY 2003 increased about 2% from cases filed the preceding fiscal year.
- Dispositions increased 2.9% in the same period.
- Civil case filings went up 6.1% during FY 2003, from 10,078 in FY 2002 to 10,696 in FY 2003.
- Civil case dispositions increased 2.6% during the same period from 10,499 in FY 2002 to 10,776 in FY 2003.
- Criminal case filings decreased 2.7% from 8,941 in FY 2002 to 8,697 in FY 2003.
- During the same period criminal case dispositions increased 3.2% from 8,846 in FY 2002 to 9,131 in FY 2003.
- Total pending caseload decreased 4.0%.

### Family Court



- Total case filings in FY 2003 were approximately the same as in FY 2002. Total case dispositions decreased 6.1% during the same period.
- Civil case filings decreased about 1%, from 39,016 in FY 2002 to 38,616 in FY 2003. Civil case dispositions also decreased about 5.6% from 40,571 to 38,318 during the same period.
- Adult criminal case filings were up 4.6% from 5,378 in FY 2002 to 5,594 in FY 2003. Criminal case dispositions increased 4.8% from 5,388 to 5,644.
- Juvenile case filings were about the same in FY 2003 as in FY 2002. Juvenile case dispositions decreased 14.3% from 9,981 to 8,555.
- At the end of FY 2003 there were a total of 13,001 cases pending compared with 12,028 pending at the end of FY 2002, an increase of 8.1%

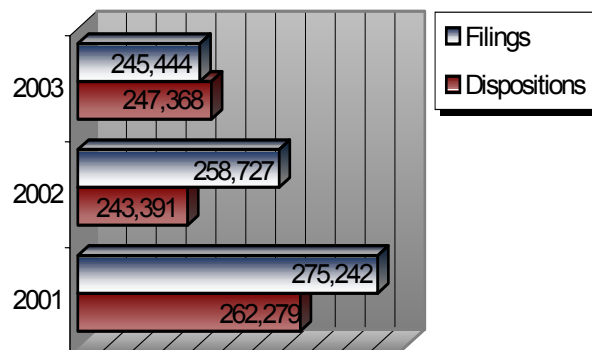
### Court of Common Pleas



- In FY 2003, total case filings went up 2.2% from FY 2002. Dispositions increased 2.4% during the same time period.
- Civil case filings increased 16.8% during FY 2003, from 10,496 in FY 2002 to 12,264 in FY 2003. In the same period, civil case dispositions went up 19.4% from 8,400 in FY 2002 to 10,026 in FY 2003.
- Criminal case filings remained fairly constant increasing by only 250 cases from 82,469 in FY 2002 to 82,719 in FY 2003, an increase of about .3%. Similarly, criminal case dispositions increased only by .6% from 80,757 in FY 2002 to 81,257 in FY 2003.
- The difference between case filings and case dispositions resulted in a 7.7% increase in the total pending caseload, from 47,854 at the end of FY 2002 to 51,554 at the end of FY 2003.

- FY 2003 case filings decreased 5.1% from FY 2002.
- Case dispositions increased 1.6% during the same period.
- Civil case filings increased 4.9% from 28,910 in FY 2002 to 30,329 in FY 2003. During the same time period civil case dispositions went down 7.2% from 29,637 to 27,501.
- Criminal and traffic case filings went down 6.4% from 229,817 in FY 2002 to 215,115 in FY 2003. Criminal and traffic case dispositions increased 2.9% from 213,754 to 219,867 during the same period.
- The difference between filings and dispositions resulted in a pending caseload decrease of 3.5%, from 54,482 at the end of FY 2002 to 52,558 at the end of FY 2003.

### Justice of the Peace Court



**Administrative Office of the Courts  
500 North King Street, Suite 11600  
Wilmington, Delaware 19801  
(302) 255-0090**